

The New York LGBTQI Advocacy Coalition

New York State Legislative Platform, 2018

We are people advocating across the state for the fundamental human rights that every Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex (LGBTQI) New Yorker deserves. New York State has served as a beacon of hope and liberty for many individuals whose existence and expression has been historically and presently oppressed. However, archaic laws and destructive policies permit prejudice and violence in our state, making New York no exception to the progressive changes necessary to improve the health and wellbeing of all LGBTQI people. The dedicated organizations that make up our coalition call on the New York State Legislature and Governor Andrew Cuomo to pass the legislative proposals outlined in this platform as an essential step towards true equality.

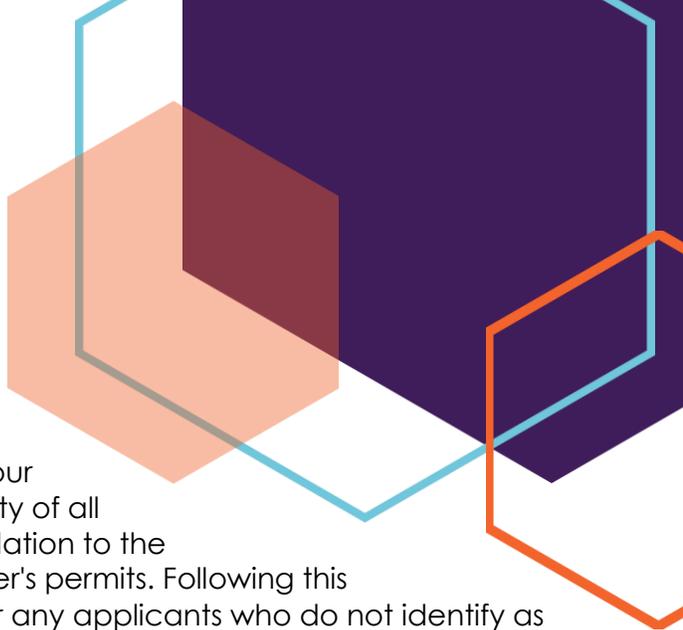
OUR PRIORITIES



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- ✓ **Gender Expression, Identity & Inclusivity**
Our community members are targeted and discriminated against on a daily basis. This is especially true for transgender individuals. Transgender rights continue to be threatened, even by our federal government. Now, more than ever, New York State must send a clear message of all-encompassing compassion and safety for every New Yorker.
- ✓ **Issues Disproportionately Impacting LGBTQI Youth**
Every young person deserves to grow in an environment that is safe, welcoming, and stigma free. However, many LGBTQI youth encounter bullying, psychological trauma, homelessness, and unprepared and underfunded services and educational institutions.
- ✓ **Intersecting Populations Jeopardized By Discrimination**
Being LGBTQI can further marginalize an individual who may already be facing challenges such as securing citizenship, parental rights, or state benefits.
- ✓ **Supported Legislation Yet To Be Drafted**
The battle for equality is ongoing. This platform is not able to reflect every need of our community, especially those yet to be drafted or introduced as legislation. However, we challenge Albany to take up these issues and ensure their passage in 2019.

Gender Expression, Identity & Inclusivity



Dignity & Safety for All Drivers

Having identification (ID) that recognizes the full spectrum of our humanity is a huge step towards ensuring the dignity and safety of all drivers. This act would amend the vehicle and traffic law, in relation to the designation of sex by applicants for driver's licenses and learner's permits. Following this amendment options shall include "MALE", "FEMALE" and "X", for any applicants who do not identify as male or female. *Assembly: Ortiz (A8524), Senate: Hamilton (S7441)*

Expanding Gender Neutral Restrooms In All Public Spaces

Whether in their own homes or in public spaces, everyone should have the opportunity to express themselves and live authentically. A bathroom should not limit that expression or serve as a trigger for people who enter them. All single occupancy bathroom facilities located in public places (including but not limited to schools, restaurants, mercantile establishments, and state-owned buildings) shall be designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. *Assembly: O'Donnell (A6500A), Senate: Lanza (S5993A)*

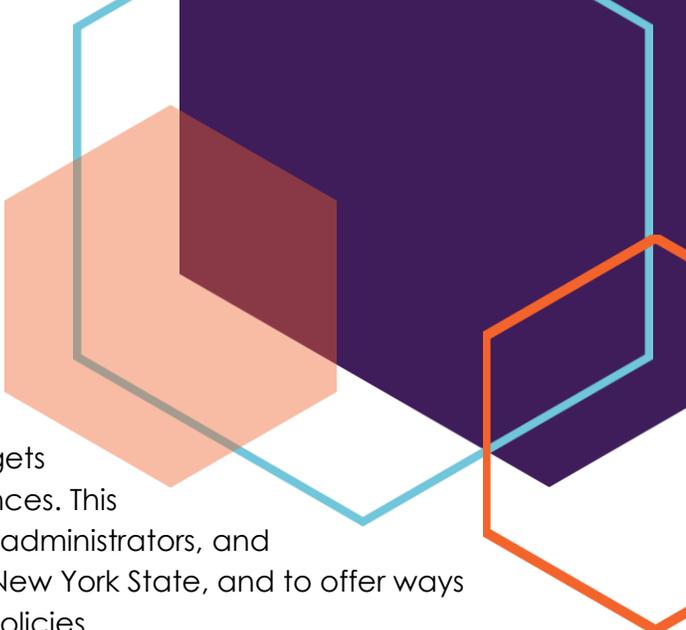
Gender Expression Non-Discrimination Act (GENDA)

In order to preserve New York's staunch commitment to human rights, creating protections around one's identity and gender expression is crucial. GENDA would add "gender identity or expression" to the language of the existing NYS Human Rights Law (NYS Executive Law, Article 15) that protects against discrimination in the areas of employment, health care, housing, public transportation, public accommodations, and credit. *Assembly: Gottfried (A3358), Senate: Hoylman (S7010)*

Preserving Justice & Banning "Panic" Defense

One's oppressive attitudes and rash actions towards LGBTQI people should never be used as justification for violence. This bill limits the extreme emotional disturbance affirmative defense, otherwise known as the gay and/or trans panic defense, by removing the discovery, knowledge or disclosure of the victim's sexual orientation or gender identity as an affirmative defense in cases of second degree murder. *Assembly: O'Donnell (A5001), Senate: Hoylman (S50)*

Issues Disproportionately Impacting LGBTQI Youth



Addressing Cyberbullying in Schools

People who identify or are perceived as LGBTQI are often targets of violence. Internet spaces are no exception to these incidences. This legislation establishes a task force of parents, students, school administrators, and community leaders to explore the impact of cyberbullying in New York State, and to offer ways that school districts can effectively implement cyberbullying policies.

Assembly: Barrett (A9846), Senate: Kaminsky (S7678)

Banning Conversion Therapy

Conversion therapy is a harmful and widely discredited form of “treatment” that is designed to change an individual’s sexual orientation. Already banned in 6 states and DC, this legislation would prohibit mental health professionals from practicing conversion therapy with patients under the age of 18, with the purpose of changing their sexual orientation. *Assembly: Glick (A03977), Senate: Hoylman (S263)*

Competency Training for Agencies Serving LGBTQI Youth

The health and wellbeing of LGBTQI youth experiencing homelessness is further jeopardized when interacting with agencies that are unprepared to serve their unique needs. This bill requires that all employees of programs providing care to runaway and/or homeless youth complete training providing instruction (like terminology, addressing homophobia in shelters, confidentiality, etc.) in issues pertaining to LGBTQI youth. *Assembly: Ortiz (A2662), Senate: Hoylman (S277)*

Improving School Gender Policies

All students deserve an educational environment that is safe, welcoming, and free of stigma, and discrimination. This legislation requires the board of education and the trustees or sole trustee of every school district to establish policies and procedures regarding the treatment of transgender and gender non-conforming students. *Assembly: No Sponsor, Senate: Hoylman (S4843)*

Intersecting Populations Jeopardized By Discrimination



Creating Protections for LGBTQI Immigrants

All across the nation the immigrant community is under constant attack. These occurrences are exacerbated for individuals who are callously categorized as “unskilled” workers, people of color, survivors of violence, people who identify as LGBTQI, and other groups facing oppression. We have a human obligation to protect the rights and wellbeing of all people. The Liberty & DREAM Acts are critical steps towards assuring fair and just treatment for every New Yorker.

Main Components of the NYS Liberty Act: *Assembly: No Sponsor, Senate: Serrano (S4075A)*

This act includes various measures designed to foster positive relations between government agency officials and individuals living in the state, prohibits NYS and local law enforcement from acting based on suspected federal immigration status and prohibits these officials from performing immigration-related duties reserved for federal officials, limits unnecessary questioning and collection of information concerning one’s immigration status, addresses when a civil immigration warrant should be acted on by state law correctional authorities, assures due process by providing a right to assigned legal counsel for immigrants who are unable to afford counsel and who are subject to deportation proceedings, and complies with federal law, and assures fair and just treatment for all people living in NYS.

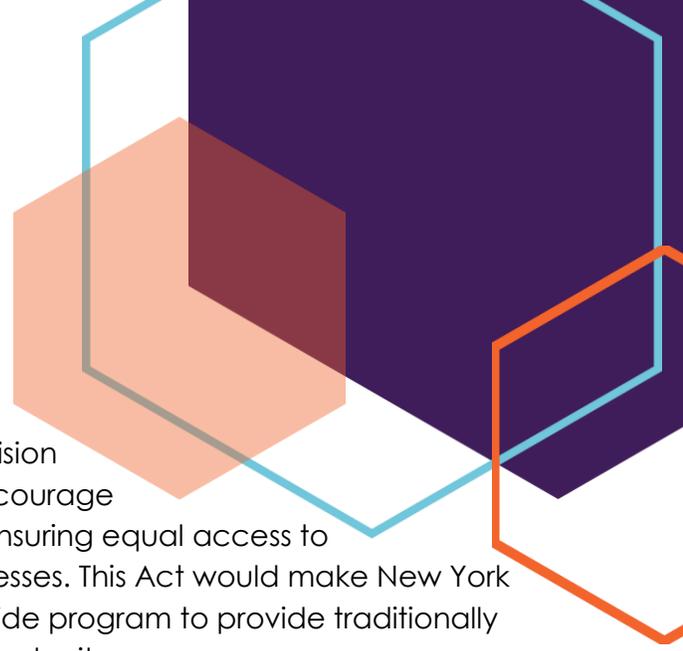
Main Components of the NYS DREAM Act: *Assembly: De La Rosa (A09605), Senate: Peralta (S471A)*

This act would create a DREAM fund and commission in order to advance educational opportunities for children of immigrants by providing college scholarships, eliminating potential financial obstacles to obtaining State financial aid, extending the opportunities for undocumented students to attend and receive benefits for higher education institutions, and eliminating barriers to save for education expenses by allowing immigrant families to open accounts under the NYS College Tuition Savings Program.

Enhancing Data & Understanding of LGBTQI New Yorkers

While LGBTQI people in this state share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their life experiences. Given the diversity of the population, separating data for these areas of the population and making the data publicly accessible is critical for enhancing our state’s understanding of the needs and experiences of LGBTQI people. *Assembly: Bronson (A8344), Senate: Hoylman (S41)*

Intersecting Populations Jeopardized By Discrimination



Extending Supplier Diversity In NYS Business Contracts

The New York State Supplier Diversity Act establishes a new Division of Supplier Diversity within the Office of General Services to encourage greater diversity in New York State's procurement process by ensuring equal access to contracting opportunities for certified LGBT-owned small businesses. This Act would make New York the first state to legislatively establish a comprehensive, statewide program to provide traditionally underrepresented small businesses with greater economic opportunity.

Assembly: Bronson (A2165), Senate: Hoylman (S55)

Preserving Parental Custody Rights

As the law currently stands, in divorce proceedings some judges have denied a person's right to pursue medically approved gender affirming surgical procedures if they wished to get custody of a child. This bill would amend the the domestic relations law to state that in child custody cases the judge shall not hold a parent's custody rights hostage by prohibiting the parent from undergoing gender affirming surgery as a condition of receiving custody. *Assembly: No Sponsor, Senate: Hoylman (S97)*

Protecting Pathways to Parenting via Surrogacy

Deemed as unenforceable in NYS, many same-sex couples and couples with fertility challenges are currently forced to leave the state to have a child via compensating a gestational carrier (i.e. a person that carries a pregnancy but has no genetic link to the resulting child). The Child-Parent Security Act lifts the current ban on surrogacy contracts and seeks to legalize gestational carrier arrangements.

Assembly: Paulin (A6959A), Senate: Hoylman (S17A)

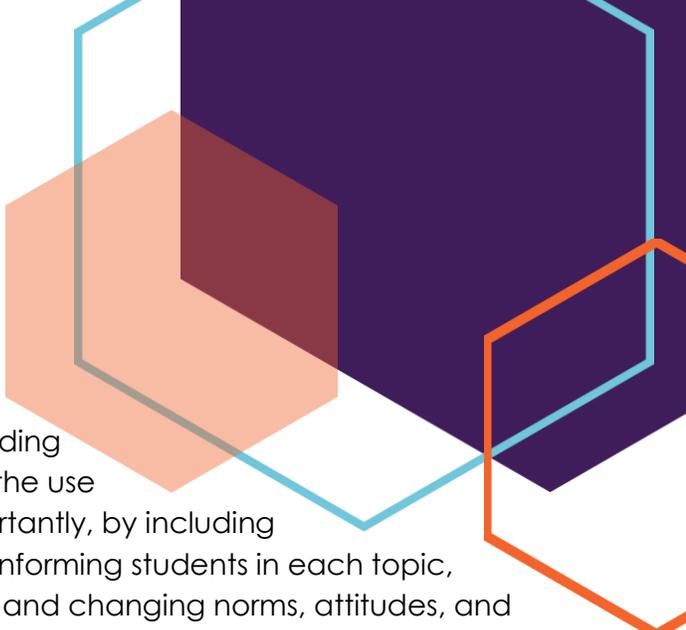
Restoring Honor of LGBTQI Veterans

At least 53 state benefits are directly contingent upon a veteran's discharge status, potentially disqualifying veterans from accessing these resources if they were discharged due to sexual orientation or gender identity. The Restoration of Honor Act would make veterans who were discharged due to their sexual orientation or gender identity eligible for programs, services, and benefits available at the state level. *Assembly: Buchwald (A1243), Senate: Hoylman (S51)*

Strengthening NYS' Commitment To Marriage Equality

The passage of the Marriage Equality Act ensured that all married couples are treated equally in all respects under the law. Staying true to this commitment, this bill makes technical corrections to the Estates, Powers and Trusts Law (EPTL) and the Surrogate's Court Procedure Act (SCPA) to better reflect the provisions of The Marriage Equality Act; especially concerning same sex marriages and their children in dispositions of estates. *Assembly: O'Donnell (A3387), Senate: Hoylman (S262)*

Supported Legislation Yet To Be Drafted



Comprehensive Sexuality Education

Comprehensive sexuality education covers critical topics including consent, healthy relationships, accessing health services, and the use of technology and social media in intimate relationships. Importantly, by including lesbian, gay, bisexual, queer, transgender and gender non-conforming students in each topic, comprehensive sexuality education is critical to shifting stigma and changing norms, attitudes, and behaviors. We support comprehensive, age-appropriate, evidence-based K-12 sexuality education that meets the National Sexuality Education Standards for all New York youth.

Creating Authority for Birth Certificate Changes

In order to issue a new birth certificate with a gender change many states require a court order. Although New York judges can issue a name change order, there is no provision specifically granting judges the authority to order the reissuance of a birth certificate or a gender change. We encourage the passage of legislation that amends the Human Rights Law to explicitly allow a New York court to order a birth certificate be reissued to reflect a corrected gender marker.

Elder Employment Opportunities

LGBTQI elders face employment barriers and discrimination in the workforce as they age—both as older people and as LGBTQI people. To help address this New York State should invest in employment support for LGBTQI older adults, including workforce development and job readiness programs.

Housing Provider Training

LGBTQI seniors have no reliable way of identifying comfortable, safe, and dignifying residences to live in. New York State needs legislation that requires training to improve cultural competency of aging for housing providers working with LGBTQI older adults.

Long-Term Care Protections

Passage of a LGBTQI Long-Term Care Residents' Bill of Rights, updating New York's Elder Law to accommodate the rights and needs of LGBTQI elders in long-term care facilities. The bill would make it unlawful for these facilities to take certain actions based on a person's actual or perceived sexual orientation, gender identity, gender expression, or HIV status.

We call on Albany to champion these issues and ensure their future passage



The New York LGBTQI Advocacy Coalition

Organizations In Support of LGBTQI Rights

ACSD

Ali Forney Center

Association of Legal Aid Attorneys LGBTQ+ Caucus

Audre Lorde Project

Equality New York

Gays Against Guns

Gender Equality NY

GLAAD

GLSEN

GLSEN Capital Region

GLSEN Hudson Valley

Grand St Settlement

GRIOT Circle

Herkimer Jr/Sr High School

Hetrick-Martin Institute

Hispanic Federation

Hudson Valley LGBTQ Community Center

Jim Owles Liberal Democratic Club

LGBT Bar Assn. of Greater NY

Make the Road NY

MORE Movement of Rank and File Educators

National Equality Action Team

New York Civil Liberties Union

New York State United Teachers

New York Transgender Advocacy Group

Out Alliance

OUTspoken For Equality

PFLAG NYC

Planned Parenthood Mohawk Hudson

Pride and Joy Families

Pride at Work

Pride Center of Staten Island

Pride Center of the Capital Region

Queerocracy

Rockland County Pride Center

SAGE

Stonewall Democrats of Western NY

The Gender & Family Project of the Ackerman Institute

The LGBT Community Center

The LOFT LGBT Community Services Center

The Long Island Transgender Advocacy Coalition

The Trevor Project

United Federation of Teachers

VillageCare

VOCAL-NY

Western New York Anti-Violence Project

WJCS Center Lane

This platform was prepared by Equality New York with the support and guidance of the New York LGBTQI Advocacy Coalition policy committee. The policy committee included representatives from the following organizations: GLSEN, NYCLU, LGBT Bar Association of Greater NY, Long Island Transgender Advocacy Coalition, NYTAG, NYSUT, UFT, and EQNY.

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